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T-D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/485,288	02/07/00	ECKEL	T MO-5494/LEA

IM71/1221

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EXAMINER	
HOKE, V	
ART UNIT	**PAPER NUMBER**
1714	4

DATE MAILED: 12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/485,288	ECKEL ET AL
Examiner	**Group Art Unit**
VERONICA P. HOKE	1714

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *THREE* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-6, 8-10, and 14-17* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-6, 8-10, and 14-17* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☒ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *3*

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-6,8-10 and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent no. 07-11119 taken with Lee , Kakegawa et al and Nishihara et al.

The primary reference discloses PC, SAN grafted- diene rubber, an aromatic oligomeric phosphate and PTFE. The butadiene rubber has an average particle size range of 0.15 - 0.55μm and its glass transition temperature range is not specified. Nor is the optional presence of a triaryl monophosphate indicated either.

Kakegawa et al (cols. 7-8) and Lee (col.4) each relate that it is desirable when utilizing a monophosphate flame retardant that it be used with an oligomeric phosphate to reduce "juicing" in PC/SAN grafted diene rubber blends having PTFE and phosphate flame retardants.

In so far as the glass transition temperature range of less than O° C also characterizes the .20 - .35 μm size diene rubber component of the styrenic- grafted rubber component, Nishihara et al relates (col.9, lines 18-30) that in similarly phosphate (oligomeric and optionally monophosphate) flame retardant PC/SAN graft blends , the rubber particles need to have a glass transition temperature of - 30°C or less in order that impact strength resistance is not compromised.

The comparative example lacks any probative value since it is well known by all the applied references that monoarylphosphates per se are less suitable than the oligomeric phosphate in providing the best flameproofing coupled with compatibility.

Veronica P. Hoke

vph

December 11, 2000

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